

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARIEL B. b/n/f DEBORAH B.,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-03-1001
	§	
FORT BEND INDEPENDENT	§	
SCHOOL DISTRICT, <i>et al.</i> ,	§	
Defendants.	§	

ORDER DENYING TRANSCRIPTS AT GOVERNMENT EXPENSE

Plaintiffs filed a Notice of Appeal [Doc. # 146] from this Court's Memorandum and Order [Doc. # 142] and Final Judgment [Doc. # 143] entered March 29, 2005. Plaintiffs were granted leave to appeal *in forma pauperis* [Doc. # 147], and they now request preparation at government expense of transcripts for use in the appeal [Doc. # 149].¹

Payment of fees for transcripts for persons permitted to appeal *in forma pauperis* is governed by 28 U.S.C. § 753(f). Such fees shall be paid by the United States Government if the trial judge or a circuit judge certifies that the appeal is not frivolous, but presents a substantial question. *Id.*


The Court declines to make any such certification in this case. In fact, the Court can conceive of no need for transcripts for Plaintiffs' appeal. Defendants' Motion for Summary Judgment was decided entirely on the parties' written submissions, without a conference or

¹ The court has been informed these costs would exceed \$650.00.

hearing. It appears to the Court that Plaintiffs' appeal is of dubious merit. Thus, the Court will not authorize payment for transcripts at government expense, and it is hereby

ORDERED that Plaintiffs' Request and Motion for Preparation of Appeal Transcript at Government Expense [Doc. # 149] is **DENIED**.

Signed at Houston, Texas this **10th** day of **May, 2005**.



Nancy F. Atlas
United States District Judge